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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,353	02/14/2005	Russell N Owen	555255012831	4652
89441	7590	02/02/2010	EXAMINER	
Jones Day (RIM) - 2N North Point 901 Lakeside Avenue Cleveland, OH 44114			SCHWARTZ, DARREN B	
			ART UNIT	PAPER NUMBER
			2435	
			NOTIFICATION DATE	DELIVERY MODE
			02/02/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/524,353	<b>Applicant(s)</b> OWEN ET AL.	
	<b>Examiner</b> DARREN SCHWARTZ	<b>Art Unit</b> 2435	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant amends claims 1 and 11. Claims 1-21 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 December 2009 has been entered.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new grounds of rejection. However, the Examiner will address issues raised by the amendments and Applicant.

The Examiner notes Applicant presents claim 9 as "Currently Amended," however, no such amendments appear evident in the claim. The Examiner assumes the currently presented claim 9 should be labeled as, e.g., "Previously Presented."

1. Applicant argues on page 9 of Remarks:

"Assignee also disagrees with certain other rejections of the current office action. For example, claim 3 requires that the domain controller determines whether an entity has a trust relationship with a domain based

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on whether the entity is within the same domain as the asset the entity is seeking to affect. As described throughout the application at issue, including at paragraph [0106], in some configurations, each member of a domain is trusted and has access to assets within that domain. In rejecting claim 3, the office action cites to FIG. 2 of Paatero and paragraphs [0031]-[0032]. As discussed above, these portions of Paatero describe receiving role certificates that describe actions that can be performed by different entities. There is no determination of whether an entity seeking to affect an asset and the asset sought to be affected are within the same domain."

The Examiner disagrees as Paatero (U.S. Pat App Pub 2003/0163685 A1), hereinafter referred to as Paatero, teaches in ¶¶31-¶32, verifying identification information related to a communicating third party and matching the communicating party with a supplied credential, e.g. a certificate which contains a public key. ¶33 goes on to say "with respect to identifying third parties in the role certificate, this can be done by storing a public key of the third party in the certificate and later determining if the received public key from the third party matches that within the certificate."

Ergo, establishes the concept of, *at least*, a trust relation with the domain that includes the at least one affected asset.

The fact that the Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Audebert et al (U.S. Pat App Pub 2003/0005317 A1), hereinafter referred to as Audebert, in view of Paatero (U.S. Pat App Pub 2003/0163685 A1), hereinafter referred to as Paatero, in further view of Tabbara et al (U.S. Pat 6886038 B1), hereinafter referred to as Tabbara.

Re claim 1: Audebert teaches a plurality of domains [Fig 1, elts 45, 50, 55 & 60] residing on a wireless mobile communication device [Fig 1] (§1-§2; §32), at least one domain including a plurality of different types of assets [Fig 1, elts 5, 10, 15, 20, 40 & 95] of the wireless mobile communication device (§32).

While Audebert discloses different types of assets (Fig 1, elts 5, 10, 15, 20, 40 & 95), Audebert does not expressly disclose the different types of assets within a domain requiring a common level of trust to access; and a domain controller, on the mobile device, for controlling access to the different types of assets that require a common

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level of trust to access within a domain configured to receive a request to perform an operation affecting at least one of the assets.

Yet, in an analogous art, Paatero teaches disclose the different assets [Fig 1, elt 16': ] within a domain [Fig 1, elt 16] requiring a common level of trust to access (§16; §22; §27); and a domain controller (Fig 1, elt 14), on the mobile device (Fig 1, elt 10: §20, lines 1-2), for controlling access to the different assets that require a common level of trust to access within a domain configured to receive a request to perform an operation affecting at least one of the assets (Fig 2, elts 36 & 42: §31-§32).

Paatero further teaches: determine whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset (Fig 2, elts 36 & 42: §31-§33), and to permit completion of the operation if the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset; wherein completion of the operation is not permitted if the request originated with an entity that does not have a trust relationship with the domain that includes the at least one affected asset (Fig 2, elts 36 & 42: §34-§35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Audebert with the teachings of Paatero, for the purpose of protecting site specific credentials on a portable device after the serving device has been authenticated to prevent tampering or misdirection via unsecured servers.

While the combination of Audebert and Paatero teaches a domain controller, the combination does not expressly disclose a domain controller configured to control the plurality of domains.

Tabbara teaches a domain controller configured to control the plurality of domains (col 12, lines 7-40; col 13, lines 51-62; col 15, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Audebert and Paatero with the teachings of Tabbara, for the purpose of protecting access to secure data, particularly cryptographic keys.

Re claim 11: Claim 11 is rejected under similar grounds as those stated in claim 1. Claim 11 incorporates all the limitations provided in claim 1.

Re claim 2: The combination of Audebert, Paatero and Tabbara teaches a key store [Fig 1: see Private and Public keys associated with the plurality of domains] for storing cryptographic keys associated with the domain [Audebert: Fig 1, elts 45, 50, 55 & 60; Paatero: Fig 1, elt 16'] that includes the at least one affected asset (Audebert: ¶32; Paatero: Fig 1, elt 16'), wherein the domain controller is configured to determine whether the request originated with an entity that has a trust relationship with the domain using the cryptographic keys (Paatero: Fig 2, elts 36, 38, 40, 42, 44 & 46: ¶31-¶32).

Re claims 3, 12 and 13: The combination of Audebert, Paatero and Tabbara teaches the domain controller is configured to determine whether the request originated with the entity that has a trust relationship with the domain that includes the at least one

affected asset by determining whether the domain that includes the at least one affected asset also includes the entity (Paatero: Fig 2, elts 36, 38, 40, 42, 44 & 46: ¶¶31-¶32).

Re claim 4: The combination of Audebert, Paatero and Tabbara teaches at least one domain further includes as an asset a software application for which the domain controller permits completion of the operation upon the software application (Paatero: Fig 2, elts 36, 38, 40, 42, 44 & 46: ¶¶31-¶32) if the request originated with an entity that has a trust relationship with the at least one domain that includes as an asset the software application; wherein completion of the operation is not permitted if the request originated with an entity that does not have a trust relationship with the at least one domain that includes the software application as an asset (Paatero: Fig 2, elts 36 & 42: ¶¶34-¶35).

Re claim 5: The combination of Audebert, Paatero and Tabbara teaches at least one of the domains comprises a plurality of domains, and wherein the wireless mobile communication device further comprises a super user software application that has a trust relationship with more than one of the plurality of domains (Paatero: ¶23; ¶27, lines 16-20).

Re claim 6: The combination of Audebert, Paatero and Tabbara teaches each of the more than one of the plurality of domains includes the super user software application (Paatero: ¶23; ¶27, lines 16-20; ¶37).

Re claims 7 and 15: The combination of Audebert, Paatero and Tabbara teaches the domain controller is further configured to receive information, and to place the information into a domain (Audebert: ¶4).



Re claim 8: The combination of Audebert, Paatero and Tabbara teaches the at least one asset is selected from the group consisting of: communication pipes, persistent data, properties, and software applications (Audebert: ¶2; ¶10).

Re claims 9 and 18: The combination of Audebert, Paatero and Tabbara teaches a data store for storing properties, wherein the domain controller is further configured to determine whether the operation is permitted by properties in the data store, and to permit completion of the operation where the operation is permitted by the properties in the data store; wherein completion of the operation is not permitted if the operation is not permitted by the properties in the data store (Paatero: Fig 2, elts 36 & 42: ¶34-¶35).

Re claim 10: The combination of Audebert, Paatero and Tabbara teaches each property is global, domain-specific, or specific to a particular software application on the wireless mobile communication device (Audebert: ¶2-¶3; Paatero: Fig 2, elts 36 & 42: ¶34-¶35).

Re claim 14: The combination of Audebert, Paatero and Tabbara teaches the request originates from a software application and wherein the step of determining whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset comprises the step of verifying a digital signature of the software application using a cryptographic key associated with the domain (Paatero: Fig 2, elts 34, 36, 38, 42 & 44: ¶34-¶35).

Re claim 16: The combination of Audebert, Paatero and Tabbara teaches the step of associating comprises the step of determining with which domains the

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information is to be associated in accordance with domain policies (Paatero: Fig 2, elt 42; ¶32; ¶34).

Re claim 17: The combination of Audebert, Paatero and Tabbara teaches the domain policies specify that information is to be associated with domains based on one or more of: a source of the information, an indicator of a domain in the information, a communication pipe over which the information is received, a digital signature of the information, an access list describing allowed domain information, and an input from a user of the wireless mobile communication device (Paatero: Fig 2, elts 34, 36, 38, 42 & 44; ¶34-¶35).

Re claim 19: The combination of Audebert, Paatero and Tabbara teaches the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device comprises the step of checking global properties for the wireless mobile communication device and domain properties for the domain that includes the at least one affected asset (Audebert: ¶33; ¶35; Paatero: Fig 2, elts 36 & 42).

Re claim 20: The combination of Audebert, Paatero and Tabbara teaches the request originates from a software application, and wherein the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device further comprises the step of checking application properties for the software application (Paatero: Fig 1, elt 10; ¶20; Fig 2, elts 36 & 42).

Re claim 21: The combination of Audebert, Paatero and Tabbara teaches wherein one domain includes at least two different assets selected from the group of

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assets consisting of: communication pipes, persistent data, properties, and software applications (Audebert: Fig 1; ¶2; ¶10; Paatero: Fig 1, elts 16 & 16').

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 7am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435